

**SUPREME COURT MINUTES  
TUESDAY, OCTOBER 20, 2009  
SAN FRANCISCO, CALIFORNIA**

**S173720****IVINS (JAMES ALLEN) ON  
H.C.**

Petition ordered withdrawn

Pursuant to written request of petitioner, the above-entitled petition for writ of habeas corpus is ordered withdrawn.

**S177225**

A119043/A120366/A120512

First Appellate District, Div. 2

**POLK (JOHN G.) v. POLK  
(SUSAN)**

The time for granting review on the court's own motion is hereby extended to November 24, 2009. (Cal. Rules of Court, rule 8.512 (c).)

**S177243****JOHNSON (FRED) v.  
JOHNSON (DARLENE)**

The time for granting review on the court's own motion is hereby extended to November 19, 2009. (Cal. Rule of Court, rule 8.512(c).)

**S058019****PEOPLE v. CONTRERAS  
(GEORGE LOPEZ)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Denise Anton's representation that she anticipates filing the appellant's reply brief by June 2010, counsel's request for an extension of time in which to file that brief is granted to December 18, 2009. After that date, only three further extensions totaling about 180 additional days are contemplated.

**S078027****PEOPLE v. STREETER  
(HOWARD LARCELL)**

Extension of time granted

Good cause appearing, and based upon Assistant State Public Defender Andrew S. Love's representation that he anticipates filing the appellant's reply brief by July 15, 2010, counsel's request for an extension of time in which to file that brief is granted to December 21, 2009. After that date, only four further extensions totaling about 210 additional days are contemplated.

**S129501****PEOPLE v. MENDEZ  
(JULIAN ALEJANDRO)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to December 18, 2009.

**S166600****PEOPLE v. DIAZ (GREGORY)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to November 18, 2009.

No further extensions of time are contemplated.

**S168103****LUCAS (DAVID ALLEN) ON  
H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Thomas Lundy's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by April 12, 2010, counsel's request for an extension of time in which to file that document is granted to December 4, 2009. After that date, only two further extensions totaling about 120 additional days are contemplated.

**S169188****CLAIR (KENNETH) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel John R. Grele's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by November 2, 2009, counsel's request for an extension of time in which to file that document is granted to November 2, 2009. After that date, no further extension is contemplated.

**S170204****WANG (JOHN) ON H.C.**

Extension of time granted

On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file the informal response is hereby extended to November 18, 2009.

**S171163**

B202289 Second Appellate District, Div. 5

**PEOPLE v. CASTILLO  
(JAVIER)**

Extension of time granted

On application of respondent, and good cause appearing, it is ordered that the time to serve and file the Answer Brief on the Merits is extended to November 13, 2009.

No further extension will be granted.

**S171895**      G039028 Fourth Appellate District, Div. 3      **PEOPLE v. HERRERA  
(HONORIO MORENO)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's answer brief on the merits is hereby extended to November 17, 2009.

**S176718**      A120049 First Appellate District, Div. 2      **SEQUOIA PARK  
ASSOCIATES v. COUNTY OF  
SONOMA**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to November 2, 2009.

**S175794**      E047167 Fourth Appellate District, Div. 2      **PEOPLE v. WAGNER (TONY  
ROBIN)**

Counsel appointment order filed

Upon request of respondent for appointment of counsel, Stephen S. Buckley is hereby appointed to represent respondent on the appeal now pending in this court.

Respondent's brief on the merits must be served and filed on or before thirty (30) days from the date plaintiff's opening brief on the merits is filed.

**S157341**      D049251 Fourth Appellate District, Div. 1      **LEXIN (CATHY) v. S.C.  
(PEOPLE)**

Order filed

The request of counsel for petitioners in the above-referenced cause to allow two counsel to argue on behalf of petitioners at oral argument is hereby granted.

The request of petitioners to allocate to amici curiae Los Angeles County Employees Retirement Association et al., 10 minutes of petitioners' 30-minute allotted time for oral argument is granted.

**S162313**      B192375 Second Appellate District, Div. 8      **CHAVEZ (ROBERT) v. CITY  
OF LOS ANGELES**

Order filed

The request of counsel for appellant in the above-referenced cause to allow two counsel to argue on behalf of appellant at oral argument is hereby granted.

The request of appellant to allocate to amicus curiae Asian Pacific American Legal Center et al., 15 minutes of appellant's 30-minute allotted time for oral argument is granted.

**S163453**      D050019 Fourth Appellate District, Div. 1      **PEOPLE v. LESSIE (TONY)**  
Order filed

The request of counsel for appellant in the above-referenced cause to allow two counsel to argue on behalf of appellant at oral argument is hereby granted.

The request of appellant to allocate to amici curiae Los Angeles County Public Defender et al., 20 minutes of appellant's 30-minute allotted time for oral argument is granted.

**S176629**      H034641 Sixth Appellate District      **HATTON (NOLAN) v. S.C. (PEOPLE)**

Order filed

The request to withdraw the answer to petition for review filed by the Real Party in Interest on October 16, 2009, is hereby granted. Real Party in Interest is directed to serve and file a new answer to petition for review on October 20, 2009.

**S175650**      **CAVALLO ON DISCIPLINE**

Recommended discipline imposed

The court orders that JOSEPH GERARD CAVALLO, State Bar Number 108210, is suspended from the practice of law in California for five years, execution of that period of suspension is stayed, and he is placed on probation for five years subject to the following conditions:

1. JOSEPH GERARD CAVALLO is suspended from the practice of law for a minimum of three years (with credit given for the period of interim suspension which commenced on December 17, 2007), and he will remain suspended until the following requirements are satisfied:
  - i. JOSEPH GERARD CAVALLO must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. JOSEPH GERARD CAVALLO must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on May 14, 2009; and
3. At the expiration of the period of probation, if JOSEPH GERARD CAVALLO has complied with all conditions of probation, the five-year period of stayed suspension will be satisfied and that suspension will be terminated.

JOSEPH GERARD CAVALLO must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period to the State Bar's Office of Probation in Los Angeles. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

JOSEPH GERARD CAVALLO must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment

or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S175653****COLLINS ON DISCIPLINE**

Recommended discipline imposed

The court orders that RICHARD SAMUEL COLLINS, State Bar Number 162552, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for five years subject to the following conditions:

1. RICHARD SAMUEL COLLINS is suspended from the practice of law for a minimum of the first two years of probation, and he will remain suspended until the following requirements are satisfied:
  - i. He makes restitution to Kent Facchino in the amount of \$3,000 plus 10 percent interest per year from April 21, 2006 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Kent Facchino, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles;
  - ii. He makes restitution to David Dorado in the amount of \$1,200 plus 10 percent interest per year from May 19, 2006 (or reimburses the Client Security Fund, to the extent of any payment from the fund to David Dorado, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles;
  - iii. He makes restitution to Nancy Riffenburgh in the amount of \$4,440 plus 10 percent interest per year from December 15, 2005 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Nancy Riffenburgh, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles;
  - iv. He makes restitution to Sten-Arne Svensson in the amount of \$1,070 plus 10 percent interest per year from July 31, 2006 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Sten-Arne Svensson, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles;
  - v. He makes restitution to Tim Evans in the amount of \$1,500 plus 10 percent interest per year from December 1, 2006 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Tim Evans, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles;
  - vi. He must provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).);
2. RICHARD SAMUEL COLLINS must also comply with the other conditions of probation

recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 29, 2009 ; and

3. At the expiration of the period of probation, if RICHARD SAMUEL COLLINS has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

RICHARD SAMUEL COLLINS must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

RICHARD SAMUEL COLLINS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S175654****BRAA, SR., ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that MICHAEL WAYNE BRAA, SR., State Bar Number 189472, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

MICHAEL WAYNE BRAA, SR., must make restitution as recommended by the Hearing Department of the State Bar Court in its decision filed. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

MICHAEL WAYNE BRAA, SR., must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S175656****SMITH ON DISCIPLINE**

Recommended discipline imposed

The court orders that ERIC THEODORE SMITH, State Bar Number 133287, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. ERIC THEODORE SMITH is suspended from the practice of law for the first 30 days of probation;
2. ERIC THEODORE SMITH must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving

Stipulation filed on March 11, 2009; and

3. At the expiration of the period of probation, if ERIC THEODORE SMITH has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

ERIC THEODORE SMITH must take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for the years 2010 and 2011. If ERIC THEODORE SMITH fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**S175657****BROWN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that JAMES EARL BROWN, State Bar Number 59180, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

JAMES EARL BROWN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S175659****MILES ON DISCIPLINE**

Recommended discipline imposed

The court orders that WILLIAM CHIPMAN MILES, State Bar Number 40970, is suspended from the practice of law in California for four years, execution of that period of suspension is stayed, and he is placed on probation for five years subject to the following conditions:

1. WILLIAM CHIPMAN MILES is suspended from the practice of law for a minimum of the first two years of probation, and he will remain suspended until the following requirement is satisfied:
  - i. He must provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. WILLIAM CHIPMAN MILES must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on September 22, 2008; and
3. At the expiration of the period of probation, if WILLIAM CHIPMAN MILES has complied

with all conditions of probation, the four-year period of stayed suspension will be satisfied and that suspension will be terminated.

WILLIAM CHIPMAN MILES must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

WILLIAM CHIPMAN MILES must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S175664****PRAZEN ON DISCIPLINE**

Recommended discipline imposed

The court orders that RAYMOND R. PRAZEN, State Bar Number 69295, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. RAYMOND R. PRAZEN is suspended from the practice of law for the first 90 days of probation;
2. RAYMOND R. PRAZEN must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 13, 2009; and
3. At the expiration of the period of probation, if RAYMOND R. PRAZEN has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

RAYMOND R. PRAZEN must take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

RAYMOND R. PRAZEN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

One-third of the costs must be paid with his membership fees for the years 2010, 2011, and 2012. If RAYMOND R. PRAZEN fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.



**S175668****SCHUTMAAT ON  
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DERK W. SCHUTMAAT, State Bar Number 163633, is summarily disbarred from the practice of law and that his name is stricken from the roll of attorneys. DERK W. SCHUTMAAT must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S177195****BJERREGAARD ON  
RESIGNATION**

Resignation declined

Having considered the request, the court declines to accept the voluntary resignation with charges pending of KEVIN PAUL BJERREGAARD, State Bar Number 127949, as a member of the State Bar of California. (Cal. Rules of Court, rule 9.21(d).)

**S177196****AGAJANIAN ON  
RESIGNATION**

Resignation declined

Having considered the request, the court declines to accept the voluntary resignation with charges pending of ROGER JAMES AGAJANIAN, State Bar Number 55393, as a member of the State Bar of California. (Cal. Rules of Court, rule 9.21(d).)

**S177197****HUGHES ON RESIGNATION**

Resignation declined

Having considered the request, the court declines to accept the voluntary resignation with charges pending of KEVIN JOHN HUGHES, State Bar Number 111640, as a member of the State Bar of California. (Cal. Rules of Court, rule 9.21(d).)









